

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MIGUEL ALEGRE-ARREOLA and JOSE
REFUJIO GUTIERREZ-GONZALES,

Defendants.

4:09CR3044

PRELIMINARY ORDER OF FORFEITURE

This matter comes on before the Court upon the United States's Motion for Preliminary Order of Forfeiture (Filing No. 341). The Court reviews the record in this case and, being duly advised in the premises, finds as follows:

1. The Defendants, Miguel Alegre-Arreola and Jose Refujio Gutierrez-Gonzales, have entered into Plea Agreements (Filing Nos. 116 and 145) whereby they agreed to plead guilty to Count II of the pending Indictment and agreed to admit to the forfeiture alleged in Count VI. Count II charged the Defendants with possession with intent to distribute methamphetamine, in violation of 21 U.S.C. § 841. Count VI sought the forfeiture, pursuant to 21 U.S.C. § 853, of \$3,542.80 in United States currency on the basis it was used or was intended to be used to facilitate the crime alleged in Count II and/or was derived from proceeds obtained directly or indirectly as a result of the commission of the crime alleged in Count II. The United States represents the U.S. Marshals Service, as custodian, is in possession of \$3,500.00, not \$3,542.80.

2. By virtue of their pleas of guilty, the Defendants forfeit their interest in the subject currency, and the United States should be entitled to possession of said currency, pursuant to 21 U.S.C. § 853.

3. The United States's Motion for Preliminary Order of Forfeiture should be sustained.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED as follows:

A. The United States's Motion for Preliminary Order of Forfeiture is hereby sustained.

B. Based upon Count VI of the Indictment and the Defendants', Miguel Alegre-Arreola and Jose Refugio Gutierrez-Gonzales, pleas of guilty, the United States is hereby authorized to seize the \$3,500.00 in United States currency.

C. The Defendants' interest in the \$3,500.00 in United States currency is hereby forfeited to the United States for disposition in accordance with the law, subject to the provisions of 21 U.S.C. § 853(n)(1).

D. The aforementioned currency is to be held by the United States in its secure custody and control.

E. Pursuant to 21 U.S.C. § 853(n)(1), the United States forthwith shall publish for at least thirty consecutive days on an official internet government forfeiture site (www.forfeiture.gov) notice of this Order, Notice of Publication evidencing the United States' intent to dispose of the currency in such manner as the Attorney General may direct, and notice that any person, other than the Defendant, having or claiming a legal interest in any of the subject currency must file a Petition with the court within thirty-five days of the final publication of notice or of receipt of actual notice, whichever is earlier.

F. Said published notice shall state the Petition referred to in Paragraph E, above, shall be for a hearing to adjudicate the validity of the Petitioner's interest in the currency, shall be signed by the Petitioner under penalty of perjury, and shall set forth the nature and extent of the Petitioner's

right, title or interest in the subject currency and any additional facts supporting the Petitioner's claim and the relief sought.

G. The United States may also, to the extent practicable, provide direct written notice to any person known to have an interest in the currency subject to this Order as a substitute for published notice as to those persons so notified.

H. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture pursuant to 21 U.S.C. § 853(n), in which all interests will be addressed.

ORDERED this 22nd day of June, 2017.

BY THE COURT:

s/ Richard G. Kopf
Senior United States District Judge